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The Oasis

A Weekly Newspaper Published at
All the
BUSINESS +
INTERESTS
OF
Southern Arizona
and Sonora.

Vol. IX, No. 17.

NOGALES, ARIZONA, SATURDAY, SEPTEMBER 11, 1897.

Whole No. 225

A "ROAST."

The Collector of Customs
at Nogales Painted in
Lurid Colors by
an Astute At-
torney.

HIS BIG BROTHER

TAKES A HAND AND IS COMPELLED
TO SIGN A WRITTEN APOLOGY
WHEREBY A PROMISING SEN-
SATION COMES TO A VERY
TAME TERMINATION.

Before the United States Court Commissioner F. J. Duffy, Tuesday afternoon, there was developed a decided sensation.

It was the case of the United States vs. Frank Irvine, accused of smuggling. Irvine is a barkeeper for J. T. Brickwood whose place of business, as it is well known stands on the International boundary with the outer wall about two feet over in Mexico. Out side and in Mexico, is a long case reaching from the sidewalk to a height of about eight feet. Inside of that case are shelves on which are kept Mexican cigars. Whenever a customer wants a cigar he is served at this case outside. The transaction is then made in Mexico, and the United States can have no right, or claim to duty thereon.

On the 2nd inst., Mr. John Henry went into Mr. Brickwood's and called for one dozen cigars. Irvine, who was then on watch, took him outside the door, into Mexico, opened the case, took out the box of cigars, from which he counted out a dozen, and sold to Mr. Henry. The latter asked to have them wrapped up for him. Thoughtlessly Irvine stepped into the saloon with the box of cigars in one hand and the dozen loose cigars in the other. Lying the box down on the bar Irvine got a piece of paper, wrapped the cigars sold Henry, who took them and left. Technically he had violated the law, but the intent to do so, necessary to complete the alleged crime was absent. Irvine was about to return the box of cigars (partly filled) to the case outside, when two customers in a hurry, stepped up to the bar and demanded immediate attention. Irvine proceeded to wait on them, and immediately Inspector Hannah pounced down on the box of cigars took them to Collector Chenoweth who instructed him to arrest Irvine, so Hannah returned and informed Irvine that he was under arrest for smuggling. He was taken before Court Commissioner Duffy, and the case was continued until Tuesday afternoon, to admit the sending for a United States Attorney, that superfluous official (vide the Vidette) seeming now very necessary. Tuesday afternoon the case was called before Commissioner Duffy, Colonel Willis P. Harlow appearing for the defendant, and Assistant U. S. District Attorney Alfred Franklin of Phoenix, for the government.

Customs Inspector Robert Hannah was first placed on the stand, and testified to seeing Irvine take the box

of cigars inside the saloon, and going in himself and seizing it. On examination Mr. Hannah admitted that he had himself bought cigars on the Mexican side of the International boundary and brought them over without paying duty.

Mr. Fred Heyne was the second witness, and he testified seeing the seizure made. On cross examination he admitted to having bought cigars on the Sonora side and brought them over without payment of duty.

The third witness was Mr. John A. Henry, who testified to having gone into the saloon on the date mentioned and asked Irvine for a dozen cigars. The latter had taken the key to the case, gone outside, taken out of the case a partly filled box of cigars from which he had taken the dozen purchased. He then went inside the saloon, wrapped in a piece of paper the cigars purchased, which he (Henry) took and went to the train.

The fourth witness examined was the collector Hon. H. K. Chenoweth, himself, who testified that the cigars seized had not paid duty. On cross examination the honorable collector admitted that he too, had bought cigars on the other side of the line and brought them over without payment of duty.

The prosecution then rested and Colonel Harlow, defendant's attorney, moved to dismiss the case, on the ground that the prosecution had in no way produced any evidence that the cigars in the case were contraband, nor had they produced the seized cigars in court. In his argument in support of his motion Colonel Harlow gave the collector of customs a most elegant roast, charging that the prosecution was a piece of political spitework against Mr. Brickwood for having run counter to Chenoweth's aspirations.

The motion to dismiss was overruled and the case continued to admit of testimony for the defence.

Mr. J. T. Brickwood was put upon the stand and testified that his instruction to barkeepers is to never bring cigars into the house, onto the American side of the line, for delivery.

The defendant was placed on the stand and he testified that in the rush and hurry of business he had thoughtlessly brought the box of cigars and the cigars he had delivered Henry onto the American side of the line to the interior of the saloon, where he had delivered to Mr. Henry the cigars the latter had purchased. There was no intention on his part to defraud the revenue and he was in no way a beneficiary by the sale.

The defence rested, and then the prosecution sought to introduce the seized box of cigars which had been sent for. Colonel Harlow interposed an objection, claiming that the box should have been introduced in the examination in chief. The prosecution claimed that the procedure was re-direct examination, which was claimed admissible, and under that allegation the box was admitted. But neither Collector Chenoweth nor Inspector Hannah could swear positively that the cigar box in court was the box which Hannah seized. Hannah had taken it to the custom house laid it on Chenoweth's desk and gone away to find the collector who was not there. Chenoweth had afterward

taken it from his desk and turned it over to the custodian of seized property. In his close cross-examination Colonel Harlow got the two officials well rattled, and finally forced them to an admission that they could not testify positively that the cigar box in the case was the one before the court.

At one point in the proceedings Mr. Duckworth attempted to coach the United States attorney in a whisper so audible that he was heard all over the room. "For God's sake Duckworth," ejaculated Colonel Harlow, "keep still, no matter how painful it might be to you; you have nothing to do with this case, so keep still."

In summing up Colonel Harlow argued that the intent to commit a crime was absent in the defendant. Going into the evidence of Collector Chenoweth and Inspector Hannah, he took the sworn admissions of the two officials that they had brought cigars across the line without payment of duty and branded them as greater criminals than the defendant in that they had brought contraband goods across the line with the full intent of defrauding the government of the duty thereon, while the defendant had not done so. He again roasted Chenoweth for venting his personal and political spite upon Mr. Brickwood, using his high official station to do so. He fitly described him as "the great collector of customs with the massive dome of thought, who goes around the streets of Nogales swelled like a toad, and would look over the head of Jesus Christ if he was in front of him."

The attorney representing the government made a feeble plea, and the case was taken under advisement by the court until five o'clock.

At the appointed time the commissioner's court again convened and the commissioner announced that he would bind over the accused to appear before the United States grand jury in the penal sum of three hundred dollars. Colonel Harlow gave cash bail, and the defendant was released.

Then the fun began, Colonel Harlow asked for a warrant for the arrest of Collector Chenoweth upon his own sworn admission that he had himself smuggled cigars. The colonel was really in earnest and offered to swear to the warrant. Commissioner Duffy was at first inclined to issue the warrant, but United States Attorney Franklin advised him not to do so. Then the commissioner refused Colonel Harlow's application, alleging that "under the advice of his superior official, the United States attorney, he could not issue the warrant." Colonel Harlow then proceeded to read the court a lecture for asserting inferiority to an attorney therein.

At this juncture Dr. Chenoweth, who had nothing whatever to do with the case, came in and took part, casting upon Colonel Harlow a vile and opprobrious epithet. The gentleman assailed said:

"Doctor you have the best of me; you are armed, while I am barehanded, but wait about two seconds and I will return," whereupon the Colonel went hurriedly to his office, presumably to arm himself, and returned in less than half a minute, but the doctor had been hustled off out of sight by his friends.

Harry Chenoweth the collector fol-

lowed Colonel Harlow immediately to his office, sought a private interview with the gentleman, and wanted to fix up the matter. It is rumored that the angered colonel told him plainly that his brother must apologise before noon the following day. Harry wanted a private apology, but Harlow insisted that it should be public or written.

As the time approached Wednesday when Colonel Harlow declared the apology must be rendered, Dr. Chenoweth went to Harlow's office and signed a written apology, which now reposes in the safe of the firm of Harlow and Gowan. THE OASIS editor called to get it for publication, but was informed that the apology is a private matter and not for publication.

Eysight is Precious.

And where oculists are many, as in the large cities, those valuable specialists are overrun with business by people suffering from various optical ailments, who immediately seek an oculist whenever they experience the least trouble with their eyes—not wishing to take chances. But in these remote regions competent specialists seldom come. Without a doubt there are scores of people in Nogales who will hail with delight the visit of Doctor David Stearns, who is now at the Montezuma hotel. Dr. Stearns comes highly recommended as a most successful specialist. His credentials show he is a graduate of Bellevue Medical College in New York City, and finished his studies with some of the greatest German specialists. All needing treatment for their eyes, or glasses fitted should not fail to see him. He will remain in Nogales a few days.

Fine Photographs.

I wish to announce that I have established my photograph gallery in the City Park opposite the Montezuma hotel prepared to do all kinds of photographic work. If you want an "up-to-date" photograph now is your time, remember I will be in Nogales only a short time. Come and see my work. A. MILLER.

"We Sell the Best." Drew, Selby & Co.'s fine shoes, combining all the luxuries of fit, style and quality, at prices which defy competition. The Red House—E. Vasquez.

Drink SCHLITZ, the beer that made Milwaukee famous. For sale at Brickwood's for 10 cents (Mexican) per glass.

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